

Town Board Minutes

January 20, 2009

Meeting No. 4

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20th day of January 2009 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: DONNA STEMPIAK, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
RICHARD REESE JR., HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

AT 8:35 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a particular personnel matter in the Office of the Building & Zoning Inspector.

At 9:12 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, spoke to the Town Board on the following matter:

- union contract negotiations

Stachowiak, Allan, spoke to the Town Board on the following matter:

- curbing is needed on his street

Scime, Mary Ann, spoke to the Town Board on the following matter:

- collective bargaining agreement with Police Benevolent Association and all other unions

Fronczak, Mike, spoke to the Town Board on the following matters:

- Police Benevolent Association negotiations
- snow removal

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held January 5, 2009 and the Regular Meeting of the Town Board held January 5, 2009 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

January 20, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys’ and Girls’ Club, Inc., for the operation of a Junior Citizens Club at the Depew Branch of the said Boys’ and Girls’ Club, Inc., which expired according to its terms on December 31, 2008, and

WHEREAS, the said Depew-Lancaster Boys’ and Girls’ Club, Inc., has submitted and filed its 2009 Budget for the operation of said Junior Citizens Club;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreement on behalf of the Town of Lancaster, which has been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

January 20, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys’ and Girls’ Club, Inc., for the operation of a Junior Citizens Club at the Lancaster Branch of the said Boys’ and Girls’ Club, Inc., which expired according to its terms on December 31, 2008, and

WHEREAS, the said Depew-Lancaster Boys’ and Girls’ Club, Inc., has submitted and filed its 2009 Budget for the operation of said Junior Citizens Club;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreement on behalf of the Town of Lancaster, which has been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

January 20, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

WHEREAS, funds have been provided in the current 2009 General Town Budget for the 2009 Tree Planting Program, and

WHEREAS, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That sealed bids be received by the Town Clerk up to 10:00 A.M., Local Time, on February 5, 2009 for meeting the requirements of the Town of Lancaster's 2009 Tree Planting Program and for supplying trees in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

January 20, 2009

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
OR NURSERYMEN**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk or her designee up to 10:00 A.M., Local Time, on February 5, 2009 at her office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 2009 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN
Town Clerk

January 20, 2009

File: RBOTREES (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, currently there exists an opening for a Light Equipment Operator in the 2009 budget for the Town Highway Department, and

WHEREAS, the Highway Superintendent of the Town of Lancaster, by letter dated January 14, 2009, has requested to upgrade John Powell from a Laborer Grade #1 to a Light Equipment Operator.

NOW, THEREFORE, BE IT

RESOLVED, that John Powell be and is hereby upgraded from a Laborer Grade #1 to Light Equipment Operator effective January 20, 2009, continuing to accrue all benefits and salary in accordance with the departmental procedures set forth in the current C.S.E.A. Blue Collar contract.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

January 20, 2009

State of New York
County of Erie } ss:
Town of Lancaster

This is to certify that I, Johanna M. Coleman, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a resolution with the original thereof filed in my office at Lancaster, New York, on the 20th day of January 2009 and that the same is a true and correct copy of said original, and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 22nd day of January 2009.

Seal

Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Myron Wasyl Prystajko, 11025 Westwood Road, Alden, New York 14004, the contract vendee for the rezone of a parcel of land located on 3568 Walden Avenue, Lancaster, New York has petitioned the Town Board of the said Town for the rezone of said property from a Neighborhood Business (NB) to Commercial and Motor Service (CMS), and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and was approved at their November 5, 2008 meeting;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 2nd day of February, 2009, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on January 22, 2009, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

January 20, 2009

**LEGAL NOTICE
REZONE - PUBLIC HEARING
3568 WALDEN AVENUE
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on January 20, 2009, the said Town Board will hold a Public Hearing on the 2nd day of February, 2009 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from Neighborhood Business (NB) to Commercial and Motor Service (CMS):

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot Number three (3), Section eleven (11), Township eleven (11), Range six (6) of the Holland Land Company's Survey, and according to map filed in the Erie County Clerk's Office under Cover Number 470, is known as subdivision Lots Numbers 23 and 24, being sixty-one and thirty one hundredths (61.30) feet front, sixty (60) feet rear by one hundred forty-one and ninety hundredths (141.90) feet in depth, west line and one hundred twenty-nine and thirty-eight hundredths (129.38) feet in depth, east line, situate on the north side of Walden Avenue, formerly Ellicott Road, commencing sixty-six and forty-one hundredths (66.41) feet east of Summit Street.

ALSO ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 3 Section 11, Township 11, Range 6 of the Holland Land Company's Survey and according to map filed in Erie County Clerk's Office under Cover No. 470 is known as subdivision lots numbers 25 to 28, inclusive,

EXCEPTING THEREFROM the northerly 10 feet of said subdivision lot Nos. 25 to 28, inclusive, conveyed to Steven A. Jedd by deed recorded in Erie County Clerk's Office in Liber 6757 of Deed at page 343.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

January 20, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Collective Negotiations Settlement Memorandum between the Town of Lancaster and the Cayuga Club Police Benevolent Association, as presented, for a successor collective negotiation agreement with a stated term of January 1, 2008 through and including December 31, 2011.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

January 20, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 6194 to Claim No. 6455 Inclusive

Total amount hereby authorized to be paid: \$695,207.68

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

January 20, 2009

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM , WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

- CODES:**
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

TABLED FROM PREVIOUS MEETING:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
NEW PERMITS:			
16402	Bergman Associates	4975 Transit Rd	Er. Comm. Bldg.
16418	Ryan Homes Inc	31 St Anthony St	Er. Dwlg.-Sin.
16419	Ryan Homes Inc	11 Rose St	Er. Dwlg.-Sin.
16420	Ryan Homes Inc	32 St Anthony St	Er. Dwlg.-Sin.
16421	Ryan Homes Inc	38 St Anthony St	Er. Dwlg.-Sin.
16422	Complete Heat Inc	54 Southpoint Dr	Install Generator
16423	Ryan Homes Inc	26 Rose St	Er. Dwlg.-Sin.
16424	Ryan Homes Inc	40 St Anthony St	Er. Dwlg.-Sin.
16425	Essex Homes	19 Americo Ct	Er. Dwlg.-Sin.
16426	Masters, Michael	14 Chicory Ln	Er. Fireplace
16427	Ryan Homes Inc	32 Rose St	Er. Dwlg.-Sin.
16428	Ryan Homes Inc	3 Rose St	Er. Dwlg.-Sin.
16429	Ryan Homes Inc	34 Rose St	Er. Dwlg.-Sin.
16430	Ryan Homes Inc	36 St Anthony St	Er. Dwlg.-Sin.
16431	Ryan Homes Inc	13 Rose St	Er. Dwlg.-Sin.
16432	Ryan Homes Inc	30 St Anthony St	Er. Dwlg.-Sin.
16433	Ryan Homes Inc	23 Rose St	Er. Dwlg.-Sin.
16434	Deltex Electric	20 Winfield Ave	Install Generator (V/L)
16435	Deltex Electric	18 Beatrix Cir	Install Generator
16436	Santoro Signs	6675 Transit Rd	Er. Sign-Wall

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

COMMUNICATIONS & REPORTS:

22. Town Clerk to Town Board -
Transmittal of monthly report for December 2008. DISPOSITION = Received & Filed
23. Town Clerk to Ecology and Environment, Inc. -
Acknowledgment of receipt of letter regarding rezone petition of 81 & 3 of Florida, 5497
Genesee St. DISPOSITION = Planning Committee
24. Town Clerk to Town Board -
Transmittal of Special Use Permit application for Ronald Fronckowiak.
DISPOSITION = Planning Committee
25. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding proposed Professional Office Building, 4899 Transit Road.
DISPOSITION = Planning Committee
26. Erie County Comptroller to Town Board -
Transmittal of report detailing distribution of 4.75% sales tax. DISPOSITION = Received
& Filed
27. Duplicate
28. Time Warner Cable to Supervisor -
Notice of merging of certain subsidiaries of Time Warner Cable resulting in the transfer of
franchise to Time Warner NY Cable LLC. DISPOSITION = Received & Filed
29. Village of Lancaster to Town Board -
Minutes of meeting held December 22, 2008. DISPOSITION = Received & Filed
30. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town
Clerk -
Notice of SEQR meeting to be held Tuesday, January 20, 2009, 6:30 PM regarding rezone
application of Myron Prystajko, 3568 Walden Avenue. DISPOSITION = Received & Filed
31. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town
Clerk -
Notice of SEQR meeting to be held Tuesday, January 20, 2009, 6:30 PM regarding
the site plan of Town Band Shell. DISPOSITION = Received & Filed
32. Town Clerk to Various News Media -
Notice of SEQR meeting to be held Tuesday, January 20, 2009, 6:30 PM regarding
rezone application of Myron Prystajko, 3568 Walden Avenue and the site plan for the
Town Band Shell. DISPOSITION = Received & Filed
33. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town
Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held January 7, 2009. DISPOSITION = Received & Filed
34. Planning Board to Town Board -
Notice of tabling to meeting of January 21, 2009 regarding rezone petition of 81 & 3 of
Florida, 5497 Genesee Street; conditions noted. DISPOSITION = Received & Filed
35. Alice M Filipowicz to Supervisor -
Notice of retirement effective February 27, 2009. DISPOSITION = Received & Filed
36. Highway Superintendent to Town Board -
Request resolution to appoint John Powell to position of Light Equipment Operator.
DISPOSITION = Resolution 1/20/09
37. Town Clerk to Town Board -
Transmittal of Clerk's Annual Report for 2008. DISPOSITION = Received & Filed
38. Stanley Jay Keysa to Supervisor -
Comments regarding plans for Town Hall addition. DISPOSITION = Supervisor & Town
Engineer

- 39. Kevin King to Supervisor -
Letter of appreciation in regards to the resolving of backyard situation on Michael Anthony Lane. DISPOSITION = Received & Filed
- 40. Social Work Department, Buffalo State College to Supervisor -
Request to examine NYS Executive Law 420, Article 19A in regards to the funding of the youth bureau system in New York State. DISPOSITION = Received & Filed
- 41. New York State and Local Retirement System to Town Board -
Notice of the retirement of Judith Kane effective February 28, 2009. DISPOSITION = Supervisor & Town Engineer

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 9:12 P.M.
in memory of Honorable Norman J. Wolf.

Signed _____
Johanna M. Coleman, Town Clerk